

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,883
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for Food Stamps. The issue is whether the petitioner's income is greater than the maximum gross income test established by the regulations.

FINDINGS OF FACT

1. The facts are not in dispute. The petitioner lives alone and has gross wages of \$280 a week. Multiplied by 4.3 (the average number of weeks in a month) this yields a monthly gross income of over \$1,200.

2. The petitioner has child support payments of \$58.69 a week garnished from his gross wages. After taxes and this garnishment the petitioner stated (credibly) that he has difficulty making ends meet.

ORDER

The Department's decision is affirmed.

REASONS

Families and individuals who are not receiving public assistance (ANFC) and who do not contain at least one elderly or disabled member qualify for Food Stamps only if their gross monthly income is below the standards set by the Department in its regulations. See Food Stamp Manual (FSM) § 273.9(a). The maximum gross income for a household of one person is \$873 a month. See Procedures Manual § P-2590 C. Unfortunately, there are no deductions of any sort allowed before application of the gross income test.¹ Inasmuch as the Department's decision is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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¹It appears that the Department erroneously allowed the petitioner a deduction from gross income for his child support payments. Even with this deduction, however, the petitioner's remaining gross income was in excess of the monthly maximum.